

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD KINDALE,

Defendant-Appellant.

UNPUBLISHED

December 15, 2000

No. 215280

Oakland Circuit Court

LC No. 96-146703-FH

Before: Gribbs, P.J., and Kelly and Sawyer, JJ.

MEMORANDUM.

Defendant was convicted by a jury of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced as a fourth habitual offender, MCL 769.12; MSA 28.1084, to a term of eighty months to twenty years' imprisonment for the assault conviction, and a consecutive two-year term for the felony-firearm conviction. He appeals as of right. We affirm.

Defendant argues that the charges against him should have been dismissed due to a violation of the statutory 180-day rule. MCL 780.131; MSA 28.969(1). We disagree. Because defendant committed the charged offense while on parole and any sentence he received was required to be served consecutively to the prior sentence, the 180-day rule does not apply. *People v Chavies*, 234 Mich App 274, 280-281; 593 NW2d 655 (1999).

Affirmed.

/s/ Roman S. Gribbs

/s/ Michael J. Kelly

/s/ David H. Sawyer